

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JACK EDWARDS, ¹	§
	§ No. 544, 2010
Petitioner Below-	§
Appellant,	§
v.	§ Court Below—Family Court of
	§ the State of Delaware, in and for
	§ New Castle County
VERONICA PARKS,	§ File No. CN01-09752
	§ Petition No. 10-10147
Respondent Below-	§
Appellee.	§

Submitted: January 28, 2011

Decided: March 4, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 4th day of March 2011, upon consideration of the opening brief and the record below,² it appears to the Court that:

(1) The petitioner-appellant, Jack Edwards (“Father”), filed an appeal from the Family Court’s July 30, 2010 order dismissing his petition for a rule to show cause on the ground that the Family Court lacked jurisdiction over the matter. We find no merit to the appeal. Accordingly, we affirm.

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated August 25, 2010. Supr. Ct. R. 7(d). In this Order, we hereby assign a pseudonym to the minor child.

² On November 12, 2010, the Court, noting that the appellee had failed to file an answering brief, directed that the appeal would be decided on the basis of the appellant’s opening brief and the Family Court record.

(2) The record before us reflects that Father and Veronica Parks (“Mother”) are the parents of Mary Parks, born on February 28, 2002. On March 23, 2010, Edwards filed a petition for a rule to show cause in the Family Court. The petition requested Mother to show cause why she should not be held in contempt of the Family Court’s August 29, 2005 order, which established a visitation schedule for Father in Delaware. It appears that Mother was living in Delaware at the time that order was issued and was represented by counsel.

(3) The Family Court docket reflects that service of the petition was attempted on Mother at a Rockford Road, Wilmington, Delaware, address on three occasions, without success. On July 30, 2010, the Family Court issued its order dismissing the petition on the ground that, as reflected in its previous order dated February 27, 2006, the Family Court no longer had jurisdiction over the matter because both of the parties now lived in Pennsylvania.³

(4) While Father’s notice of appeal states that he is appealing from the Family Court’s July 30, 2010 order, the claims he makes in his opening

³ The record also reflects that, on February 16, 2010, Father filed a request for registration of a foreign custody order in the Family Court. Although it appears that Father believes his request for registration of a foreign custody order somehow confers jurisdiction upon the Family Court with respect to his petition for a rule to show cause and, therefore, is relevant to the instant appeal, that order is not now before the Court and is not relevant to the instant appeal.

brief go well beyond the confines of that ruling. Father's claims are posed as questions, as follows: a) if neither parent lives in Delaware, can the state still enforce child support payments against one of the parents; b) if the custodial parent does not permit a relationship between the non-custodial parent and the child, should the non-custodial parent still be responsible for paying child support; and c) should the court inform the child, once he becomes an adult, about his or her non-custodial parent?

(5) We have reviewed the Family Court order dated July 30, 2010, as well as its previous order dated February 27, 2006. We find no error or abuse of discretion on the part of the Family Court in dismissing Father's petition for a rule to show cause on jurisdictional grounds. It is apparent that both parties lived in Pennsylvania when the February 27, 2006 order was issued and there is nothing in the record before us reflecting that either party is now living in Delaware and, therefore, subject to the jurisdiction of the Delaware courts. As for Father's specific claims on appeal, we will not address them, since they are well beyond the scope of the Family Court's July 30, 2010 order.⁴

⁴ To the extent that Father wishes to contest his child support obligation, he must do so by separate petition in the Family Court.

NOW, THEREFORE, IT IS ORDERED that the judgment of the
Family Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice